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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/680,923	10/08/2003	Peter Bongartz	46107-0097	7597
75	90 12/17/2004		EXAMINER	
Douglas A. Mullen			BINDA, GREGORY JOHN	
Dickinson Wright PLLC Suite 800			ART UNIT	PAPER NUMBER
1901 L Street N.W.			3679	
Washington, D	C 20036		DATE MAILED: 12/17/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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_		Application No.	Applicant(s)	γ.				
Office Action Summary		10/680,923	BONGARTZ ET AL.					
		Examiner	Art Unit					
		Greg Binda	3679	<del> </del>				
Period fe	The MAILING DATE of this communication Reply	on appears on the cover sheet	with the correspondence address					
THE - External control	IORTENED STATUTORY PERIOD FOR F MAILING DATE OF THIS COMMUNICAT ensions of time may be available under the provisions of 37 of SIX (6) MONTHS from the mailing date of this communicat e period for reply specified above is less than thirty (30) days Depriod for reply is specified above, the maximum statutory ure to reply within the set or extended period for reply will, by reply received by the Office later than three months after the led patent term adjustment. See 37 CFR 1.704(b).	CION.  CFR 1.136(a). In no event, however, may ion.  s, a reply within the statutory minimum of period will apply and will expire SIX (6) No statute, cause the application to become	a reply be timely filed thirty (30) days will be considered timely. ONTHS from the mailing date of this communic ABANDONED (35 U.S.C. § 133).	cation.				
Status								
1)🖾	Responsive to communication(s) filed on	23 November 2004.						
2a)□	· · · · · · · · · · · · · · · · · · ·	This action is non-final.						
3)	· · · · · · · · · · · · · · · · · · ·							
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
4)⊠	Claim(s) <u>1-16</u> is/are pending in the application.							
	4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.							
5)	Claim(s) is/are allowed.							
6)🛛	Claim(s) <u>12-16</u> is/are rejected.							
•	Claim(s) is/are objected to.							
8)	Claim(s) are subject to restriction	and/or election requirement.						
Applicat	ion Papers							
9)🖂	The specification is objected to by the Ex	aminer.						
10)⊠	0)⊠ The drawing(s) filed on <u>08 October 2003</u> is/are: a)□ accepted or b)⊠ objected to by the Examiner.							
	Applicant may not request that any objection	to the drawing(s) be held in abe	yance. See 37 CFR 1.85(a).					
	Replacement drawing sheet(s) including the							
11)	The oath or declaration is objected to by	the Examiner. Note the attacl	ned Office Action or form PTO-15	2.				
Priority	under 35 U.S.C. § 119							
a)	Acknowledgment is made of a claim for for All b) Some * c) None of:  1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International Esee the attached detailed Office action for	uments have been received. uments have been received in e priority documents have be Bureau (PCT Rule 17.2(a)).	n Application No en received in this National Stage	<b>;</b>				
Attachmer	nt(s) ce of References Cited (PTO-892)	<b>∆\</b> ☐ Intervie	w Summary (PTO-413)					
	ce of Draftsperson's Patent Drawing Review (PTO-9	48) Paper N	lo(s)/Mail Date					
	rmation Disclosure Statement(s) (PTO-1449 or PTO/ er No(s)/Mail Date <u>20031008</u> .	(SB/08) 5) ☐ Notice 6) ☐ Other:	of Informal Patent Application (PTO-152)					

#### Election/Restrictions

1. Applicant's election without traverse of a constant velocity joint (Group III) in the reply filed on November 23, 2004 is acknowledged.

2. Claims 1-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on November 23, 2004.

### Drawings

- 3. The drawings are objected to because:
  - Reference numerals 30, 32, 36, 38, 40, 44 & 46 are used to identify features in the a. prior art and then reused to identify modification of such features in the disclosed invention. Such usage is proscribed. See MPEP § 608.02(e).
  - Reference numeral 18 appears in Fig. 2 but does not appear in the description. b.
- Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to 4. the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## Specification

5. The abstract of the disclosure is objected to because starts with a phrase that can be implied. See MPEP § 608.01(b).

#### Claim Rejections - 35 USC § 112

- 6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 7. Claims 15 & 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15, line 2 recites the limitation, "a second leg". It is not clear if this second leg is the same as, or different from the second leg recited in claims 13 & 14.

## Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on ale in this country, more than one year prior to the date of application for patent in the United States.

- 9. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Hofmann et al, US 5,525,109. Fig. 1 shows a constant velocity joint comprising: a trunnion 4 defining a retaining groove; and a retaining ring 8 secured within the groove. Fig. 3 shows the retaining ring includes a fracture area 7.
- 10. Claims 12 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Olschewski et al, US 4,270,815. Fig. 1 shows a constant velocity joint comprising: a trunnion 2 defining a retaining groove 11; and a retaining ring 9, 12 secured within the groove. Fig. 3 shows the retaining ring 12' includes a fracture area 18a. Fig. 1 shows the retaining ring has a first leg 9 having an inner surface; a second leg 12 having an outer surface; and a first notch (see "groove" in col. 2, line 43) defined by the second leg.
- Claims 12 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Orain, US, 4,317,602. Fig. 5 shows a constant velocity joint comprising: a trunnion 1 defining a retaining groove 9; and a retaining ring 7, 8 secured within the groove, the ring includes a fracture (see also "split" in col. 2, line 36). The retaining ring has a first leg 8 having an inner surface; a second leg 7 having an outer surface; and a first notch (see "split" in col. 2, line 36) defined by the first leg.
- 12. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweitzer et al, US 6,412,985. Figs. 1 & 3 show a constant velocity joint comprising: a trunnion 2 defining a

retaining groove 3; and a retaining ring 1 secured within the groove, the ring includes a fracture 4. Fig. 2 shows the retaining ring has a first leg 6 having an inner surface and a first notch 8; and a second leg 7 having an outer surface and a second notch 9; the fracture extending between the notches.

## Allowable Subject Matter

13. Claims 15 & 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### Conclusion

- 14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Readman and Conner each show a retaining ring first and second notches. Olson shows constant velocity joint with a retaining ring 30. Varrin shows a retaining ring 23 in a groove 26. Stearns shows a ring 15 with a fracture 22. Thomas shows a ring 10 with a fracture 16.
- 15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Greg Binda Primary Examiner Art Unit 3679